1   DEAN S. KRISTY (CSB No. 157646)
dkristy@fenwick.com
2   KEVIN P. MUCK (CSB. No. 120918)
kmuck@fenwick.com
3   JENNIFER BRETAN (CSB No. 233475)
jbretan@fenwick.com
4   FENWICK & WEST LLP
555 California Street, 12th Floor
5   San Francisco, CA  94104
Telephone:     415.875.2300
6   Facsimile:     415.281.1350

7   ALISON C. JORDAN (CSB NO. 311081)
ajordan@fenwick.com
8   FENWICK & WEST LLP
801 California Street
9   Mountain View, CA  94041
Telephone:     (650) 988-8500
10  Facsimile:     (650) 938-5200

11  Attorneys for Defendants Tesla, Inc., Elon Musk,
Brad W. Buss, Robyn Denholm, Ira Ehrenpreis,
12  Antonio J. Gracias, James Murdoch, Kimbal
Musk, and Linda Johnson Rice

13

14                    UNITED STATES DISTRICT COURT

15                  NORTHERN DISTRICT OF CALIFORNIA

16                     SAN FRANCISCO DIVISION

17                                          Case No.: 3:18-cv-04865-EMC

18                                          **STIPULATION AND [PROPOSED]
                                            ORDER RESUMING AND
19  IN RE TESLA, INC. SECURITIES            RESETTING SCHEDULE FOR
    LITIGATION                              RESPONDING TO CONSOLIDATED
20                                          COMPLAINT AND VACATING
                                            STATUS CONFERENCE**
21
                                            Date Action Filed:  August 10, 2018
22

23

24

25

26

27

28

FENWICK & WEST LLP
ATTORNEYS AT LAW
SAN FRANCISCO

WHEREAS, on March 22, 2019, the Court issued an order staying all proceedings in this matter pending resolution of the mandamus proceedings in the Ninth Circuit Court of Appeals (ECF No. 203);

WHEREAS, the Ninth Circuit recently denied the mandamus petition, and as a result, the Court-appointed lead plaintiff may proceed with this action;

WHEREAS, the parties have agreed on a briefing schedule for defendants' motion to dismiss the Consolidated Complaint previously filed by lead plaintiff (ECF No. 184).  That schedule is consistent with (and slightly shorter than) the one previously approved by the Court and takes into account holiday and scheduling conflicts;

WHEREAS, because the motion to dismiss briefing will be ongoing at the time, and there are scheduling conflicts in light of the January 1 holiday, the parties further believe good cause exists to vacate the Status Conference recently rescheduled by the clerk of the Court for January 2, 2020 (ECF No. 219);

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, subject to the approval of the Court, that:

1.    Any motion to dismiss or otherwise respond to Lead Plaintiff's Consolidated Complaint shall be filed on or before November 22, 2019;

2.    Lead Plaintiff's opposition thereto shall be filed on or before December 27, 2019;

3.    Any reply shall be filed on or before January 27, 2020; and

4.    Pursuant to Civil L.R. 16-2, the January 2, 2020 status conference is vacated, along with any associated deadlines, to be reset for a future date.

Dated:    October 31, 2019            FENWICK & WEST LLP

By: /s/      *Jennifer C. Bretan*
                  Jennifer C. Bretan

555 California Street, 12th Floor
San Francisco, California 94104
Telephone: (415) 875-2300
Facsimile: (415) 281-1350

Attorneys for Defendants Tesla, Inc., Elon Musk,
Brad W. Buss, Robyn Denholm, Ira Ehrenpreis,
Antonio J. Gracias, James Murdoch, Kimbal Musk,
and Linda Johnson Rice

1    Dated:    October 31, 2019          LEVI & KORSINSKY, LLP

2                                        By: /s/  Nicholas I. Porritt
                                               Nicholas I. Porritt (admitted *pro hac vice*)
3

4                                        1101 30th Street NW, Suite 115
                                         Washington, D.C. 20007
                                         Telephone: (202) 524-4290
5                                        Facsimile: (202) 337-1567

6                                        Attorneys for Lead Plaintiff Glen Littleton and
                                         Lead Counsel for the Class
7

8    Pursuant to Local Rule No. 5-1(i)(3), all signatories concur in filing this stipulation.

9    Dated:    October 31, 2019          By: /s/      *Jennifer C. Bretan*
                                               Jennifer C. Bretan
10

11                                         ***

12                                  **[PROPOSED] ORDER**

13   PURSUANT TO STIPULATION, IT IS SO ORDERED.

14

15   Dated:    November __, 2019          _____

16                                              Hon. Edward M. Chen
                                            United States District Court Judge
17

18

19

20

21

22

23

24

25

26

27

28

FENWICK & WEST LLP
ATTORNEYS AT LAW
SAN FRANCISCO